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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,633	06/28/2001	Randal F. Templeton	219.40067X00 (ATSK)	4474
7590 06/02/2005			EXAMINER	
Kenyon & Kenyon 1500 K Street, N.W. Suite 700 Washington, DC 20005-1257			SAIN, GAUTAM	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/892,633	TEMPLETON ET AL.	
	Examiner	Art Unit	
	Gautam Sain	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

PD

DETAILED ACTION

Claim Rejections - 35 USC § 102

1) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1-1) Claims 13, 14, 15, 16, 17, 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Fields et al (US 6605120, filed Dec 1998).

Regarding claims 13, 16, Fields teaches “receiving ... element” (ie., request by client ... XML tag ... data)(col 17, lines 27-40).

Fields teaches “parsing ... web page” (ie., parsed for desired components of the page)(col 5, lines 15-20)(ie., new web page)(col 5, line 21)(ie., parsed to identify content)(col 3, lines 5 – 10).

Fields teaches “creating ... element” (ie., web page retrieved ... XML tag is identified)(col 17, lines 45-64).

Fields teaches “concatenating ... data element” (ie., ... extracted and are used to assemble the recasted page)(col 17, lines 45-64).

Fields teaches “displaying ... browser” (ie., recast web page to requesting client .. browser)(col 17, lines 45-64).

Regarding claims 14, 17, Fields teaches “incoming XML data ... existing web page” (ie., web retrieved ... recast page)(col 17, lines 44-55).

Regarding claims 15, 18, Fields teaches “modified XML ... displayed” (ie., XML ... recast web page ... to request client)(col 17, lines 44-60).

Claim Rejections - 35 USC § 103

2) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2-1) Claims 1, 2, 3, 5, 6, 7, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fields et al (as cited above), in view of Davis et al (US 2002/0133516, filed Dec 22, 2000).

Regarding claim 1, Fields does not expressly teach, but Davis teaches “an XML repository” (ie., XML repository)(para 251).

Fields teaches “... connected to ... templates ... incorporates ... form the web page” (ie., the filter ... hosting website ... client website ... client browser request ... sends the recast content as a web page)(col 3, lines 22-35; col 4, line 55 – col 5, line 12)(ie., publisher 101 at hosting site 103 ... document template ... component on a web page extracted ... recast into a new web page by the HTML template)(col 4, line 55 – col 5, line 43).

Fields teaches at least one application handler, said application handler registered to modify said template and to generate a part of said requested web page

and incorporate that part into the template (ie., document templates ... recast into a new web page with HTML template requests of a web page refreshed with different advertising with web page generated from the template)(col 4, line 55 – col 5, line 33).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fields to include an XML repository for XML documents and templates as taught by Davis, providing the benefit of a means to produce form based pages to support reusable fragments and publish viewable pages (para 55), as well as XML support for reusability of content (para 54, 56).

Regarding claim 2, Fields teaches “web browser ... web page” (ie., client browser showing the page requested, the recasted web page as sent from the hosting site)(col 6, lines 40-49).

Regarding claim 3, Fields does not teach, but Davis teaches “XML repository ... web pages, ... templates ... handlers” (ie., XML repository ... XML documents)(para 251)(ie., set of document templates)(para 287)(ie., DTDs)(para 286-287).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fields to include an XML repository for XML documents and templates as taught by Davis, providing the benefit of a means to produce form based pages to support reusable fragments and publish viewable pages (para 55), as well as XML support for reusability of content (para 54, 56).

Regarding claim 5, Fields teaches “console engine ... in the message” (ie., parsed for desired components of the page)(col 5, lines 15-20).

Fields teaches “the source web page ... message” (ie., parses the HTML source)(col 5, lines 15 – 17)(ie., new web page)(col 5, line 21)(ie., parsed to identify content)(col 3, lines 5 – 10).

Regarding claim 6, Fields teaches “console engine ... modified XML ... web browser” (ie., recasting web content presented on client browser)(col 12, lines 32 – 37).

Regarding claim 7, 10, Fields teaches “receiving ... browser” (ie., request from browser)(col 4, line 65).

Fields does not teach, but Davis teaches “accessing ... application handlers ... template,” and “executing ... web page” (ie., XML repository ... XML documents)(para 251)(ie., set of document templates)(para 287)(ie., DTDs)(para 286-287).

Fields teaches “combining ... web page” (ie., pieces of content recast into a new web page with template)(col 5, lines 15-25).

Fields teaches “transmitting the web ... display” (ie., publisher recasts the web page to the browser)(col 5, lines 25-34).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fields to include an XML repository for XML documents and templates/DTDs as taught by Davis, providing the benefit of a means to produce form based pages to support reusable fragments and publish viewable pages (para 55), as well as XML support for reusability of content (para 54, 56).

2-2) Claims 4, 8, 9, 11, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fields et al (as cited above), in view of Davis et al (as cited above), further in view of Burich (US 20020069175, filed Dec 4, 2000).

Regarding claim 4, Fields in view of Davis does not expressly teach, but Burich teaches “console API” (para 30).

Fields teaches “... transmit the web page to a browser” (ie., publisher recasts the web page to the browser)(col 5, lines 12-33).

Fields does not expressly teach, but Davis teaches “an XML repository” (ie., XML repository ... XML documents)(para 251).

Fields teaches “console engine extracts ... application handler (ie., document templates ... recast into a new web page with HTML template requests of a web page refreshed with different advertising with web page generated from the template)(col 4, line 55 – col 5, line 33).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fields to include an XML repository for XML documents and templates as taught by Davis, providing the benefit of a means to produce form based pages to support reusable fragments and publish viewable pages (para 55), as well as XML support for reusability of content (para 54, 56), further to include an API as taught by Birch, providing the benefit of parsing data predefined in specification textual fields that is converted to XML documents (para 30).

Regarding claim 8, 11, Fields in view of Davis does not expressly teach, but Burich teaches “ web page ... API” (ie., API ; XML based documents extracted from central storage)(para 30, 34).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fields in view of Davis to include an API and XML based documents

extracted from central storage as taught by Burich, providing the benefit of parsing data predefined in specification textual fields that is converted to XML documents (para 30).

Regarding claim 9, 12, Fields teaches “converting the template ... by the browser” (ie., HTML template ... pieces recast into new web page ... presented at client browser)(col 5, lines 12 – 34).

Response to Arguments

Applicant's arguments filed 1/18/05 have been fully considered but they are not persuasive. Applicant argues for claim 13 and 14, that Fields does not teach incoming web page from web-site is parsed based on delimiters to determine the source web page, the destination web page, and the data to be received by the destination web page (ie., request by client ... XML tag ... data)(col 17, lines 27-40). Examiner disagrees. Specifically, Fields teaches “parsing ... web page” (ie., parsed for desired components of the page)(col 5, lines 15-20)(ie., new web page)(col 5, line 21)(ie., parsed to identify content)(col 3, lines 5 – 10). Next, Applicant argues that Fields does not teach XML repository where the console engine extracts a template and an application handler registered to modify the template. Examiner disagrees. Specifically, Fields teaches at least one application handler, said application handler registered to modify said template and to generate a part of said requested web page and incorporate that part into the template (ie., document templates ... recast into a new web page with HTML template requests of a web page refreshed with different advertising with web page generated from the template)(col 4, line 55 – col 5, line 33).

Applicant argues that Fields, Davis and Burich references do not teach the limitations of claims 1-18 under 102(b) and 103(a) (page 8 of remarks). Examiner disagrees. Fields teaches the limitations of the claims 13-18 under 102(e) and Fields, Davis and Burich teach the limitations of claims 1-12 under 103(a) because It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fields to include the teachings of taught by Davis, providing the benefit of a means to produce form based pages to support reusable fragments and publish viewable pages (para 55), as well as XML support for reusability of content (para 54, 56), further to include the teachings of Birch, providing the benefit of parsing data predefined in specification textual fields that is converted to XML documents (para 30).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

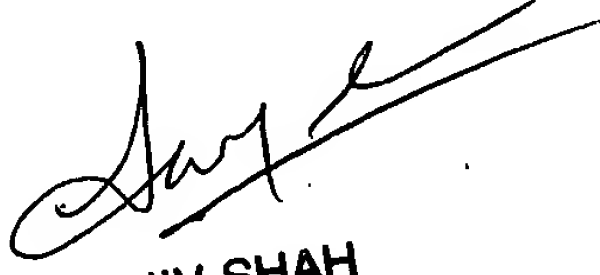
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam Sain whose telephone number is 571-272-4096. The examiner can normally be reached on M-F 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

G.S.

GS


SANJIV SHAH
PRIMARY EXAMINER